

which it was intended. The article was misbranded in the above respects when introduced into and while in interstate commerce.

Further misbranding (152-bottle lot), Section 502 (a), the labeling statement "Suggested as an aid in the treatment of arthritis-rheumatism" was false and misleading since the article was not effective in the treatment of arthritis and rheumatism. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: April 13, 1953. Default decree of condemnation and destruction.

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4073. Adulteration and misbranding of C-Tone. U. S. v. 64 Bottles \* \* \*. (F. D. C. No. 34373. Sample No. 23500-L.)

LIBEL FILED: December 4, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 21, 1951, by Kegan Laboratories, Inc., from Englewood, N. J.

PRODUCT: 64 8-ounce bottles of *C-Tone* at Jamaica, Long Island, N. Y. Analysis disclosed that the product contained approximately 24 percent of the declared amount of vitamin C and approximately 50 percent of the declared amount of niacin.

LABEL, IN PART: (Bottle) "C-Tone Natural Vitamin C Tonic."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 250 milligrams of vitamin C and 0.08 milligram of niacin in each 4 tablespoons. Misbranding, Section 502 (a), the label statement "4 tablespoons furnishes: Natural Vitamin C 250 mg. \* \* \* Natural Niacin 0.08 mg." was false and misleading as applied to the article, which contained less than 250 milligrams of vitamin C and less than 0.08 milligram of niacin per 4 tablespoons. The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

Further misbranding, Section 502 (a), the label statements "C-Tone rapidly builds up bodily stores of this essential vitamin, deficiency of which may contribute to many chronic ailments \* \* \* to help reduce irritations in the stomach and intestinal tract" were false and misleading since the article was not effective to prevent and correct many chronic ailments or to reduce irritations in the stomach and intestinal tract. The article was misbranded in this respect when introduced into and while in interstate commerce.

DISPOSITION: May 19, 1953. Default decree of condemnation and destruction.

4074. Adulteration and misbranding of isopropyl alcohol rubbing compound. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 34666. Sample No. 38913-L.)

LIBEL FILED: On or about February 26, 1953, Western District of Virginia.

ALLEGED SHIPMENT: On or about January 5, 1953, by the Best Sales Co., from Middlesboro, Ky.

PRODUCT: 24 cases, each containing 12 1-pint bottles, of *isopropyl alcohol rubbing compound* at St. Paul, Va.

LABEL, IN PART: (Bottle) "Best Rubbing Alcohol 70% Isopropyl Compound By Volume \* \* \* Best Sales Co. Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Isopropyl Alcohol Rubbing Compound," a drug the

name of which is recognized in the National Formulary, an official compendium, and its strength differed from the official standard. The standard provides that isopropyl alcohol rubbing compound contains not less than 68 percent and not more than 72 percent of isopropyl alcohol by volume, whereas the article contained from 36.5 percent to 100 percent of isopropyl alcohol by volume.

Misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear an accurate statement of the proportion of alcohol contained therein.

DISPOSITION: April 14, 1953. Default decree of condemnation and destruction.

**4075. Adulteration and misbranding of clinical thermometers. U. S. v. 408 Thermometers \* \* \*. (F. D. C. No. 34392. Sample No. 40625-L.)**

LIBEL FILED: December 11, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about October 10, 1952, by the Dependable Thermometer Co., from New York, N. Y.

PRODUCT: 408 *clinical thermometers* at Seattle, Wash. Examination of 24 thermometers showed that 4 failed to meet the test for accuracy, that 2 failed to meet the test for retreating index, and that 1 was a hard shaker.

LABEL, IN PART: "Dependable Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to the article, which failed to meet the tests laid down in Commercial Standard CS1-52, issued by the United States Department of Commerce, for accuracy, retreating index, and hard shaker: (Brown envelope in which each thermometer is packaged) "Certificate and Guarantee of Accuracy and Reliability \* \* \* Oral This Registering Clinical Thermometer was tested and examined on the above date and was found to meet all of the requirements and tests specified in Commercial Standard CS1-52, developed by the trade under the procedure of the Commodity Standards Division and issued by the United States Department of Commerce."

DISPOSITION: May 18, 1953. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**4076. Misbranding of Duodex capsules. U. S. v. 36 Dozen Bottles, etc. (F. D. C. No. 33291. Sample No. 38740-L.)**

LIBEL FILED: June 9, 1952, District of Columbia; libel amended June 4, 1953.

ALLEGED SHIPMENT: On or about June 2, 1952, by Harris Laboratories, Inc., from Glen Cove, N. Y.

PRODUCT: *Duodex capsules*. 36 dozen bottles, each containing 100 capsules, and 60 dozen bottles, each containing 50 capsules, at Washington, D. C., together with a number of leaflets entitled "Duodex The New Effective Treatment For Peptic and Duodenal Ulcer Sufferers," "At Last A Cure For Ulcers," and "The New Ulcer Story," a number of window streamers entitled "Come In For Free Booklet," and a number of display placards entitled "Stomach Ulcer Pains."

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\*See also Nos. 4069, 4072, 4073, 4075